

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHARLES CRAIG, JR.,

:

Petitioner(s),

:

vs.

Case Number: 1:07cv67

ERNIE MOORE, WARDEN,

District Judge Susan J. Dlott

Respondent(s).

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael R. Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on February 25, 2008 a Report and Recommendation (Doc. 31). Subsequently, the Petitioner filed objections to such Report and Recommendation (Doc. 34).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, the Court **DENIES** a certificate of appealability on this issue. Petitioner has shown that he is legally indigent, an appeal would be objectively frivolous and therefore he is **DENIED** leave to appeal this issue *in forma pauperis*.

IT IS SO ORDERED.

s/Susan J. Dlott  
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Susan J. Dlott  
United States District Judge